

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CHERESE L. JIHAD

Plaintiff,

vs.

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY

Defendant.

Civil Action No. 04-12550-RGS

**AFFIDAVIT OF ROBERT E. SULLIVAN, ESQ.**

I, Robert E. Sullivan, being duly sworn, depose and say as follows:

1. I am a partner in the law firm Sullivan, Weinstein & McQuay, P.C. ("SWM"). I have personal knowledge of the matters stated in this Affidavit, and could testify to them if called as a witness.

2. Jennifer Tucker, who is also an attorney at SWM, represented Massachusetts Institute of Technology ("MIT") before the Massachusetts Commission Against Discrimination ("MCAD") in connection with a Complaint that Chereese Jihad brought before the MCAD.

3. Neither SWM, Ms. Tucker, I, nor any other attorney at SWM is, or was on April 1, 2005, an officer or managing or general agent of MIT, nor are or were any of us authorized to accept service of process on behalf of MIT.

4. On April 1, 2005, I was present in SWM's offices when I was informed by a member of our office staff that an officer was attempting to deliver legal papers.

5. I looked briefly at the papers, and saw that they included the handwritten, *pro se* Complaint in the instant action, a copy of which is attached to this Affidavit as Exhibit A. I also saw that the Complaint included a caption on the top of its first page that appeared to indicate that the "Defendants," in the plural, were "M.I.T." and "Sullivan Weinstein & McQuay," in that the words "Sullivan Weinstein & McQuay" were listed directly under the word "M.I.T." *See* Exhibit A.

6. On the possibility that the Complaint purported to name SWM as a defendant, I allowed the officer to leave the papers with SWM.

7. I did not tell the officer that I was accepting service of the papers on behalf of MIT.

8. Shortly thereafter, MIT authorized SWM to represent it in the instant action. MIT did not authorize SWM to accept service of process on its behalf in this or any other action, nor did it agree that the officer's delivery of the papers to SWM had constituted effective service on MIT.

Signed under the pains and penalties of perjury on this 20<sup>th</sup> day of May, 2005.



Robert E. Sullivan  
SULLIVAN WEINSTEIN & McQUAY, P.C.  
Two Park Plaza  
Boston, MA 02116  
(617) 348-4300

Certificate of Service

I, A. Lauren Carpenter, hereby certify that a true copy of the above document was served by mail upon Chereese L. Jihad, 79 Munroe Street, #2, Roxbury, MA 02119, on May 20, 2005.

/s/ A. Lauren Carpenter  
A. Lauren Carpenter

FILED  
IN CLERKS OFFICE

United States District Court  
District of Massachusetts

2004 NOV 30 P 1:24

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Plaintiff: Chereese Jihad

Civil Action

Defendants:

M.I.T.

Sullivan Weinstein & McQuay

Complaint  
Parties

1. The plaintiff: Chereese Jihad is a resident of Redbury Ma. in the county of Suffolk ss. and a citizen of the United States.
2. The defendant: Massachusetts Institute of Technology and a citizen of the United State
3. The court has Jurisdiction over this matter Pursuante to 28 U.S.C. 1331

On March 11, 2003 plaintiff Cherese Tihon after being employed at M.I.T. in the medical Dept. as a dental assistant was fired.

On March 10, 2003 Cherese at the advice of her officer manager ms. Donna Hayes, filed a complaint against Doctor Padua.

The complaint was a racial remark towards Cherese from Doctor Padua

stating "you monkey's need to get your stories together." The following day I was fired from my job, for being fired according to Donna Hayes was my lack of performance, the same person who advised me what to do about my situation was the same person who the one who devised the paper work for my being fired

I also presented that Donna Hayes went into my medical record to see if I had a doctor's appointment which ended up showing that I did.

When I presented this information to M.C.A.D.  
they did not bring forth nor did they investigate  
this complaint

When Chereese Jihad showed the timing of  
Danna Hayes going on vacation at the same time  
of those who composed in form of a letter  
that went along with her evaluation to say she  
violated her evaluation ~~that was~~ already set against  
her. Chereese had question Danna Hayes going  
into Medical Record.

as a result I not only lost my job, 401K plan,  
car, had to evacuate my home, mental distress  
and this has turned my life around for the worse.

Wherefore, the plaintiff demands judgment  
against the defendants for damages and such  
other relief of this court deem just.

The plaintiff wants a trial by jury and  
request the amount for damages

Sum of \$ 175,000.

Chereese Jihad  
79 Munroe St Apt #2  
Roxbury MA. 02119  
tel: 617. 541.3601